



#4

\$14AC

Docket No.: C13929/126669

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Catia Bastioli, et al.)
Serial No.: 09/936,534) January 29, 2003
International Filing Date: March 14, 2000)
For: **ARTICLES TO BE CHEWED BY ANIMALS**)

PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(a), OR,
IN THE ALTERNATIVE, UNDER § 1.137(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that the above-identified application be revived pursuant to 37 C.F.R. § 1.137(a) because it was unavoidably abandoned. In the event that it is determined that the abandonment was not unavoidable, applicants would request revival under 37 C.F.R. § 1.137(b) on the grounds that the abandonment was unintentional. The following items are included with this petition:

- A check in the amount of \$55.00, which represents the small entity fee for reviving an unavoidably abandoned application under 37 C.F.R. § 1.17(1).
- The inventor's signed declaration in compliance with 37 C.F.R. § 1.497(a) and (b), along with a copy of a document entitled Notification of Missing Requirements. If any extension fees are required, they may be charged to Deposit Account No. 02-4467.
- Applicants' statement that the delay in filing the Notice of Appeal was unavoidable, as set forth below.

02/04/2003 SLUANG1 00000010 09936534

01 FC:2452

—55.00 OP

Repln. Ref: 06/26/2003 MKAYPAGH 0014543300
DA#:024467 Name/Number:09936534
FC: 9204 \$55.00 CR

Adjustment date: 00/00/0000
02/04/2003 SLUANG1 00000010 09936534
-55.00 OP
01 FC:2452

RECEIVED

FEB 05 2003

OFFICE OF PETITIONS

If any of the above checks are missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.

Papers to enter the National Phase under 35 U.S.C. § 371 were filed on September 14, 2001. On December 5, 2001, an Information Disclosure Statement was filed. On January 27, 2003, the undersigned's office made a telephonic status inquiry regarding the application, and were informed that a document entitled 'Notification of Missing Requirements Under 35 U.S.C. § 371 In the United States Designated/Elected Receiving Office (DO/EO/US)" (hereinafter "Missing Parts Notification") had been mailed to applicants' attorneys on November 15, 2001, and that a Notice of Abandonment was being issued that day (January 27). At our request, copies of each of those documents were faxed to us.

On January 28, a search of the undersigned's law firm's docket records and the file for this application was performed which showed that the Missing Parts Notification was never received, although other mailings from the PTO which were sent at about the same time (from October 15 through November 30, 2001) were received. The undersigned does not know why the Missing Parts Notification was not received, but suspects it may be related to the disruptions in the mail caused by the anthrax situation which occurred about that time.

In view of the fact that the Missing Parts Notification was never received, it could never have been responded to, and abandonment of the application was unavoidable. Moreover, because this petition is being filed only two days after the Notice of Abandonment was issued and the earlier issued Missing Parts Notification was received,

applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition to revive was unavoidable. Accordingly, revival pursuant to the provisions of 37 C.F.R. § 1.137(a) is requested and is appropriate.

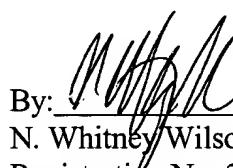
It is applicants' belief that the abandonment was unavoidable and was certainly unintentional. Therefore, if it is determined that revival pursuant to 37 C.F.R. § 1.137(a) (unavoidable abandonment) will not be granted, revival pursuant to 37 C.F.R. 1.137(b) (unintentional abandonment) is requested. If necessary, the additional fees may be charged to Deposit Account 02-4467.

Applicants respectfully submit that the enclosed papers and fees complete the Petition for Revival of Abandoned Application and request revival of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on January 29, 2003.



Respectfully submitted,

By: 
N. Whitney Wilson
Registration No. 38,661
BRYAN CAVE LLP
245 Park Avenue
New York, NY 10167-0034
Phone: (202) 508-6112

RECEIVED
FEB 05 2003
OFFICE OF PETITIONS